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## Planning Commission Staff Report

**TO:** PLANNING COMMISSION *Q.O.*

**FROM:** GILBERT OLGIN, PLANNER II  
(480) 503-6745, GILBERT.OLGIN@GILBERTAZ.GOV

**THROUGH:** CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** APRIL 4, 2018

**SUBJECT:** UP17-1047, THE COTTAGE WEDDING VENUE: A REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR APPROXIMATELY 0.60 ACRES OF REAL PROPERTY LOCATED AT 535 SOUTH GILBERT ROAD TO ALLOW A BANQUET FACILITY IN THE NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT.

**STRATEGIC INITIATIVE:** Community Livability

This banquet facility will provide a location for social gatherings, wedding receptions, anniversaries, birthday parties and similar events for the community.

### RECOMMENDED MOTION

Open the public hearing and receive testimony, and then CONTINUE the item to the May 2, 2018 public hearing in order to comply with public noticing requirements.

### APPLICANT/OWNER

Company: The Cottage Wedding Venue  
Name: Bernandina Zappone  
Address: 4058 East Amber Lane  
Phone: 480-747-0756  
Email: [info@thecottageweddings.com](mailto:info@thecottageweddings.com)

## **BACKGROUND/DISCUSSION**

### **History**

<b>Date</b>	<b>Description</b>
<i>November 10, 2003</i>	Maricopa County Development Department finalized a building permit (B200300775) for the existing single-family residence on the subject site.
<i>September 9, 2004</i>	Maricopa County Planning and Zoning Commission approved with conditions a Special Use Permit (Z200368) for wedding chapel/reception area on the subject site.
<i>October 23, 2007</i>	Town Council adopted Ordinance No. 2072 (A07-62), annexing approximately 1.8 acres.
<i>December 18, 2007</i>	The Town Council adopted Ordinance No. 2102 (Z07-95) rezoning the subject site to Town of Gilbert Neighborhood Commercial (NC) zoning district.

### **Overview**

The applicant is requesting to reestablish a Conditional Use Permit for a *Banquet Facility* on an approximately 0.60 acre site located at 535 South Gilbert Road, in a Neighborhood Commercial (NC) zoning district.

Staff notes that the subject site previously operated as “Cozy Weddings” banquet facility for several years and closed its doors over a year ago.

### **Surrounding Land Use & Zoning Designations:**

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>	<b>Existing Use</b>
<b>North</b>	Neighborhood Commercial (NC)	Maricopa County	Greenhouse Montessori School
<b>South</b>	Neighborhood Commercial (NC)	Single Family Residential (SF-35)	Vacant
<b>East</b>	Neighborhood Commercial (NC)	Maricopa County	Residential
<b>West</b>	General Commercial (GC)	General Commercial (GC) with PAD	Sunrise Senior Living Community
<b>Site</b>	Neighborhood Commercial (NC)	Neighborhood Office and Single Family Residential (SF-15)	Vacant Building (formerly Cozy Weddings)

### **PROJECT DATA TABLE:**

<b>Site Development Regulations</b>	<b>Required per LDC NC</b>	<b>Existing Conditions</b>
The Cottage Wedding Venue		1,238 sq. ft.
Maximum Building Height	25’/1 story	20’/1 story
Minimum Building Setback		

Front to ROW	20'	28'
Side to non-residential	10'	36'
Rear to residential	15'	50'
Minimum Perimeter Landscape Area		
Front to ROW	20'	0'
Side to non-residential	10'	0'
Rear to residential	15'	15'

## **DISCUSSION**

The request is for Conditional Use Permit approval for a 1,238 sq. ft. *Banquet Facility* in a Neighborhood Commercial (NC) zoning district. Staff notes the building is not being utilized today and remains vacant.

A *Banquet Facility* is defined in the Land Development Code as “An establishment rented to others for social gatherings, including outdoor assembly”. The proposed banquet facility will consist of wedding events, bridal showers, business meetings, baby showers and other similar special events with approximately 10-25 events estimated per month. As proposed, the maximum occupancy will not exceed 120 guests.

Staff notes that the subject site was formerly a banquet facility (Cozy Weddings) for eight (8) years and the use along with the site plan was approved by Maricopa County with a Special Use Permit (Z200368) in 2007. Existing site improvements including building location and parking will remain as originally approved.

## **Access/Parking Plan**

Vehicular access is provided from a 25' wide single driveway onto the site with direct access from Gilbert Road.

Site parking (25 spaces) is provided on an asphalt striped parking lot to the north and south of the existing structure. Staff notes the banquet facility and adjacent Greenhouse Montessori School to the north have a parking agreement for over flow parking that allows the banquet facility to use the school parking lot for up to 48 additional vehicles. In addition, the parking plan specifies all guests parking at the school lot will be chaperoned by a banquet facility employee to the sidewalk for safe entrance into the banquet facility property. The existing parking agreement will expire December 19, 2019. Should the banquet facility be unable to receive an extended parking agreement after two (2) years for the additional 48 parking spaces, the condition below requires the banquet facility owner to secure a parking agreement with others to satisfy 48 spaces if needed for an event having a maximum of 120 guests.

Also, the owner plans to book smaller events during the school's hours of operation (8:15 am - 2:50 pm) in order to not interfere with the Greenhouse Montessori School parking lot.

## **Entertainment**

The owner is proposing to designate a specific outdoor area on the site for live music that will face the commercial area adjacent to the site. Currently, residential neighbors exist to the east

and the south. The only home adjacent to the east is over 100 feet away from the property line back yard area. The majority of the southern boundary faces a vacant lot zoned Neighborhood Commercial. Only 30' of the southern boundary is adjacent to a residential zoning district. The applicant has agreed to a condition of approval to mitigate potential noise concerns from the use of live music. The condition states, "The applicant shall submit a revised site plan that designates where live music/DJ will be located, ensuring the music will face away from residential neighbors during events." The business must also comply with the Town's noise level regulations per Gilbert Municipal Code Article III, Division 1.

### **Traffic**

Traffic Engineering has no concerns with the access to the site. There is no change in use at the site and the banquet facility has adequate stacking for left turns via the continuous left turn lane on Gilbert Road.

### **Hours of Operations**

The proposed hours of operations for the banquet facility are as follows:

- Monday-Sunday:
  - 8 am- 10 pm

### **FINDINGS**

The Planning Commission is required to make four findings in order to approve a Conditional Use Permit. The findings are listed below, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- 1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.***

The site is zoned conventionally Neighborhood Commercial (NC) zoning district and located north of the northwest corner of Gilbert Road and Warner Road. The Neighborhood Commercial (NC) zoning district permits small-scale neighborhood retail, office, and service uses under 25,000 square feet per user or stand-alone building. The banquet facility is located on a 0.60 acres site within approximately 1,238 sq. ft. building and has been in operation on the subject site for approximately eight (8) years; originating while located within the jurisdiction of Maricopa County and later annexed into the Town of Gilbert.

There is one residential neighbor to the east more than 100' away from the property line. The majority of the southern boundary is adjacent to a vacant lot in the Neighborhood Commercial zoning district. Only 30' of the southern boundary is adjacent to a residential district. The facility has direct access from Gilbert Road, an arterial, and has over flow parking immediately adjacent to the north.

Staff finds that the proposed banquet facility will not be detrimental to health, safety, or general welfare of the persons living or working in the vicinity because the subject site

had functioned as a banquet facility for several years adjacent to residential uses. Staff notes that no letters of opposition have been received to date.

2. ***The proposed use conforms to the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council.***

The request for a *Banquet Facility* is consistent with the use, design criteria, height, and setbacks to residential areas. The application meets the intent of the Gilbert General Plan Chapter 2, Goal 5.0, which states, “Promote commercial, retail, and employment land uses that are compatible with adjacent land uses and meet economic goals”, and Policy 5.3, which states, “Locate commercial and retail uses adjacent to residential uses in appropriate intensities to serve local, community and regional markets”.

3. **The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.**

The banquet facility is a conditional use in a Neighborhood Commercial (NC) zoning district and meets the requirements for setbacks and parking. The site provides adequate parking with 25 spaces and up to 48 additional spaces are provided by a shared parking agreement with the adjacent Greenhouse Montessori School along the north side. The applicant has provided a site plan showing the location of all facilities and amenities on the property. A white picket style fence surrounds the site with a six (6) ft. tall CMU wall provided along the lot’s east property line.

Staff notes that the existing banquet facility was previously functioning in Maricopa County prior to annexation and later in the Town of Gilbert.

4. **The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.**

Staff finds that the proposed use as it exists today on the subject site has not interfered with the continued use and enjoyment of nearby property owners and serves as a compatible use for the surrounding properties. Additionally, the use will provide a viable business on a somewhat smaller sized lot within the Neighborhood Commercial (NC) zoning district and will be in compliance with LDC requirements.

Pursuant to the above analysis, staff ascertains that the project meets the four findings required for granting the Conditional Use Permit.

## **PUBLIC NOTIFICATION AND INPUT**

An incorrect project location was described in the public notice so the public hearing must be continued to the May 2, 2018 Planning Commission meeting, in order to comply with the requirements of Land Development Code Article 5.205 Notice of Public Hearings.

To date, Staff has received one comment in support from the public.

**PROPOSITION 207**

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

**STAFF RECOMMENDATION**

Open the public hearing and receive testimony, and then CONTINUE the item to the May 2, 2018 public hearing in order to comply with public noticing requirements.

For information only - At the May 2, 2018 public hearing, staff will be offering the following recommendation:

Approve the Findings of Fact and approve UP17-1047: The Cottage Wedding Venue, a request to approve a Conditional Use Permit for approximately 0.60 acres of real property generally located at 535 S. Gilbert Road to allow a Banquet Facility in the Neighborhood Commercial (NC) zoning district, subject to conditions;

1. The Project shall be in substantial conformance with the site plan shown on the Exhibits provided under Attachment No. 4.
2. The applicant shall submit a revised site plan that designates where live music/DJ will be located, ensuring the music will face away from residential neighbors during events.
3. The banquet facility shall have a parking agreement with another venue for the additional 48 parking spaces off site if required for an event with the maximum occupancy of 120.

Respectfully submitted,

Gilbert Olgin  
Planner II

**Attachments and Enclosures:**

- 1) Findings of Fact
- 2) Notice of Public Hearing/Vicinity Map
- 3) Aerial Photo
- 4) Site Plan
- 5) Parking Agreement

**FINDINGS OF FACT**  
**UP17-1047, the Cottage Wedding Venue**

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

April 4, 2018

# **Notice of Public Hearing**

**PLANNING COMMISSION DATE:****Wednesday, April 4, 2018\* TIME: 6:00 PM**

**LOCATION: Gilbert Municipal Center, Council Chambers**  
**50 E. Civic Center Drive**  
**Gilbert, Arizona 85296**

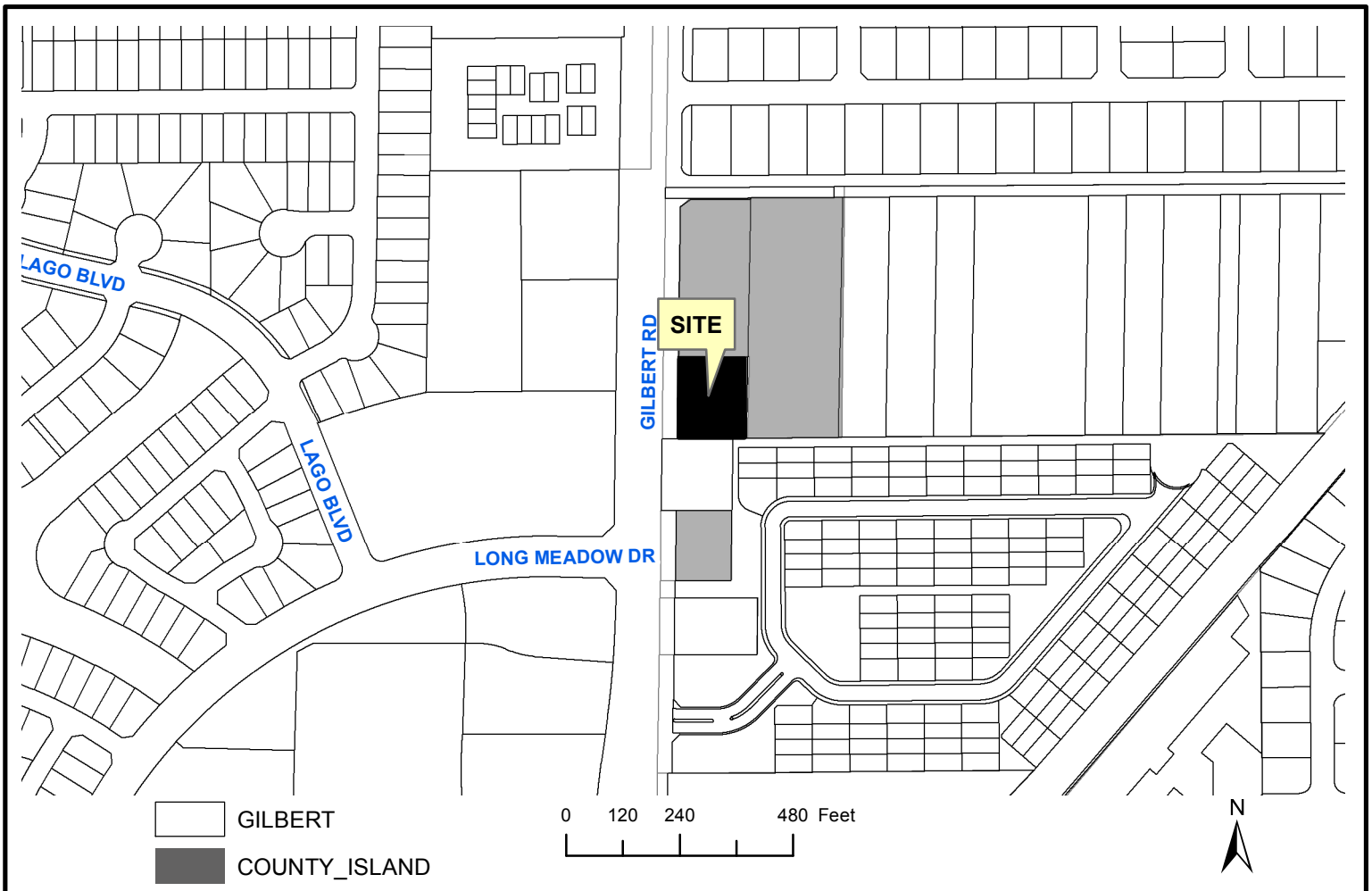
**\* Call Planning Department to verify date and time: (480) 503-6745**

\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

## **REQUESTED ACTION:**

UP17-1047: Request to approve a Conditional Use Permit for approximately 0.59 acres of real property generally located at the northeast corner of Gilbert and Water Tank Roads to allow a Banquet Facility in the Neighborhood Commercial (NC) zoning district.

## **SITE LOCATION:**



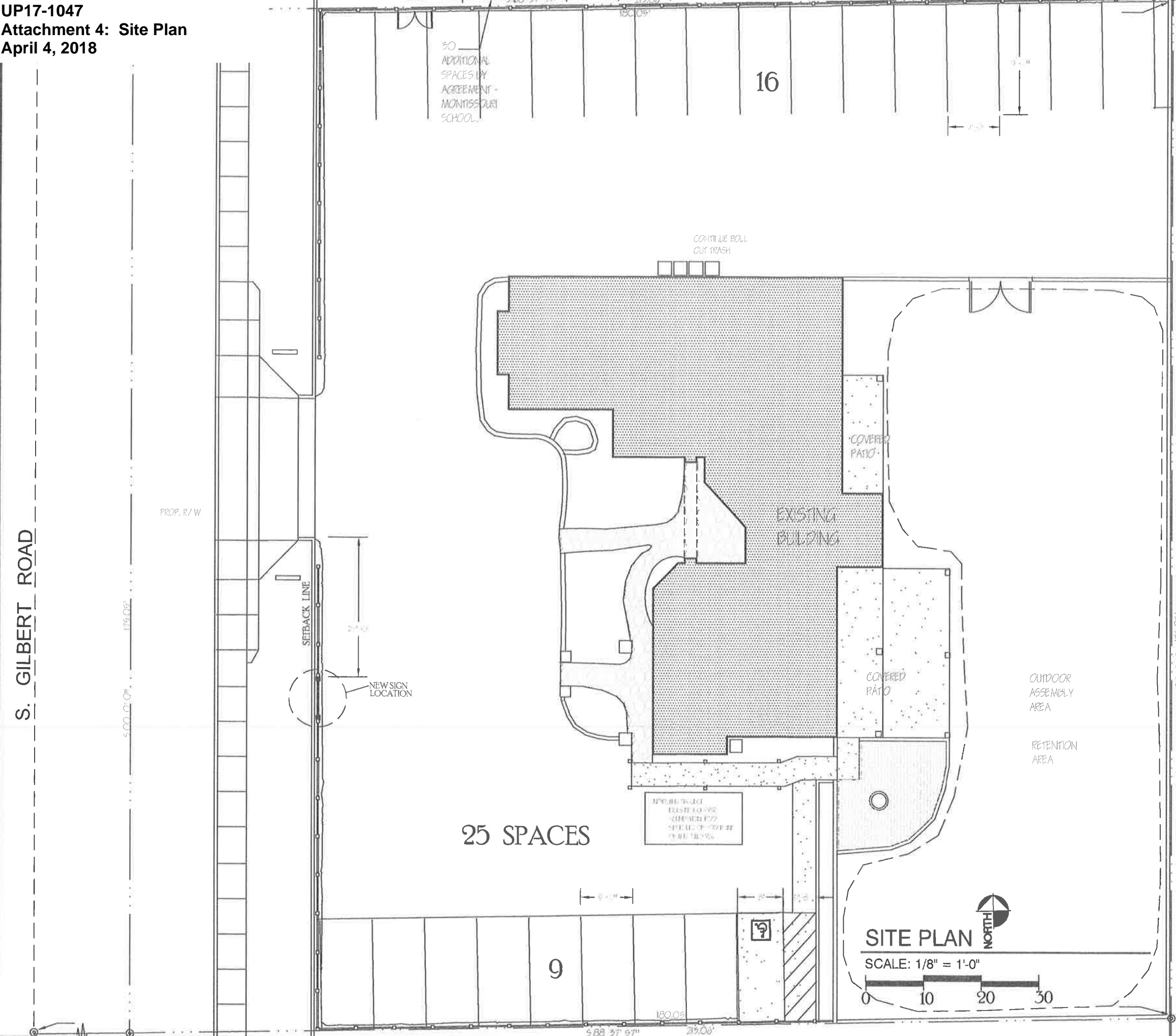
**APPLICANT: Zappone's Catering**  
**CONTACT: Dina Zappone**  
**ADDRESS: 4058 E. Amber Lane**  
**Gilbert, AZ 85296**

**TELEPHONE: (480) 747-0756**  
**E-MAIL: [info@thecottageweddings.com](mailto:info@thecottageweddings.com)**

# Aerial Photo



S. GILBERT ROAD



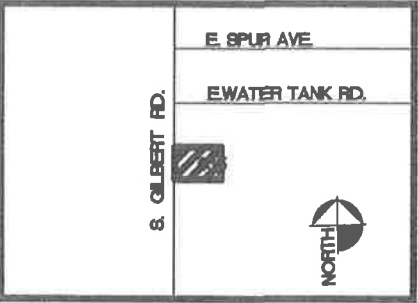
# THE COTTAGE WEDDING VENUE

LOCATION: 535 S. GILBERT RD.  
GILBERT, AZ. 85296

PARCEL: PEGGY POWER #304-23-030, MARICOPA CTY  
ZONING: RURAL-43  
OWNER: DINA ZAPPONE  
EMAIL: INFO@THECOTTAGEWEDDINGS.COM

PHONE#: 480-474-0756

## VICINITY MAP:



## NARRATIVE:

1. THE WEDDING VENUE WILL CONTINUE UNDER THE NEW NAME "THE COTTAGE" WITH NO CHANGES TO BUILDING FOOTPRINT, UTILITIES OR TRASH SERVICE.
2. ADD (8) COMPACT CAR PARKING SPACE PARKING AT FRONT OF BUILDING ON EXISTING ASPHALT PAVING.
3. REPLACE EXISTING SIGN OF SAME SIZE WITH NEW TITLE AT SAME LOCATION.
4. NEW OWNER TO OBTAIN PARKING AGREEMENT WITH MONTICASSOURI SCHOOL FOR (30) ADDITIONAL SPACES IN PROPERTY ADJOINING NORTH PROPERTY LINE.

## LEGAL DESCRIPTION:

THE EAST 180 FT. OF THE WEST 215 FEET OF THE SOUTH 175 FEET OF THAT PART OF THE SW QUARTER OF SECTION 18, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN 1, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT 1906.55 FEET NORTH OF THE SW CORNER OF SAID SECTION AND 1460 FEET EAST OF THE WEST LINE OF SAID SECTION IN THE CENTER OF THE CONSOLIDATED CANAL; THENCE NORTHERLY ALONG SAID SECTION LINE, 150 FEET; THENCE EASTERLY ABOUT 1900.00 FEET TO THE CENTER OF THE CONSOLIDATED CANAL; THENCE ALONG SAID THE CENTER OF SAID CANAL TO A SOUTHWESTERLY DIRECTION 660 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

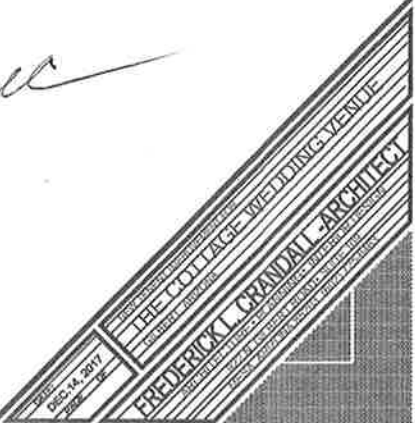
## PROJECT DATA TABLE:

BUILDING SIZE: 3,702 S.F. UNDER ROOF - 3118 S.F. ENCLOSED AREA  
LOT SIZE: 28,145 S.F.  
LOT COVERAGE: 13% (UNCHANGED)  
OUTDOOR ASSEMBLY AREA: (UNCHANGED) 6,608 S.F.



EXPIRES 6/30/2019

ELECTRONIC COPY OF FINAL DOCUMENT:  
SEALED ORIGINAL DOCUMENT IS WITH  
FREDERICK L. GRANDALL  
REGISTERED ARCHITECT NUMBER 23468



Ceremony Site

Guests

Guests

Gazebo

Guests

Guests

Guests

Guests

Guests

Guests

Guests

Guests

Backyard

Guest Seating

xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx

Guest Seating

xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx  
xxxxxxxx

Gate

Covered Patio

Food Tables

DJ

Door

Door

Bridal Suite

Indoor Chapel

Bathroom

Bathroom

Handicap  
Bathroom

Hallway

Door

Gate

Greenhouse  
Overflow  
Parking

THE COTTAGE WEDDING VENUE  
Parking

Gilbert Rd



*We are the current owners of Zappone's Italian Bistro and Zappone's Catering in Gilbert. We are requesting to use this site for a banquet facility for indoor and outdoor gatherings. The Banquet facility use will consist of bridal showers, business meetings, baby showers, memorials, and chapel weddings with approximately 10-25 events a month. This site was the previous site for Cozy Weddings of Gilbert and operated as a Banquet Facility since 2007. Cozy Weddings of Gilbert successfully operated for 8 years on current property. Zappone's Catering performed several successful weddings on site in 2015.*

*Vehicular access is provided from a single driveway with direct access from Gilbert Rd. Site parking (25 spaces with 40 more spots in agreement from Greenhouse Montessori) is provided on an asphalt surfaced parking lot on the property. During events, a parking attendant/security guard will oversee parking and event signage. The banquet facility uses may occur in both indoor and outdoor setting on the site. Hours of operation will be Monday 8-10pm, Tuesday- Thursday 8-10pm, Friday-Saturday 8-10pm, Sunday 8am-10pm and comply with the requirements of the Neighborhood Commercial zoning district requirements for hours of operation 6am-10pm. All music will be held under the covered patio on site and will be in accordance to the sound ordinance of Gilbert.*

*The maximum occupancy will be 120 guests.*

Greenhouse Montessori School  
505 S Gilbert Rd. Gilbert, AZ 85296  
480.635.0386  
greenhousemontessorischool@hotmail.com



RECEIVED

December 19, 2017

DEC 27 2017

To Whom it May Concern:

Zappone's Catering would like the usage of parking spots from Greenhouse Montessori. Those spots will be used for the sole purpose of overflow parking during evening and weekend events. Event dates will be given in writing in advance for approval. If a conflict of events arrive, The Cottage will be responsible for ensuring the clients have shuttles to and from event, freeing up any need of extra spaces. Any damage or loitering due to an event will be the responsibility of Zappone's Catering. This contract is good for 2 years, beginning on 03/01/18 and up for renegotiations 03/01/20. Greenhouse Montessori will receive \$1500 a year for compensation, \$3000 total which will be paid upfront upon delivery of this agreement.


Greenhouse Montessori agrees to the above mentioned terms for the time period stated.

Should you need additional information please contact me.

Thank you,



Jennifer Papp  
GMS Director



Bernardina Zappone  
Owner The Cottage



RECEIVED  
DEC 28 2017  
TOWN OF GILBERT  
CUSTOMER SERVICE CENTER

## The Cottage Wedding Venue Pricing Overview

*In the heart of historic downtown, The Cottage is Gilbert's new gathering place full of charm and ambiance. Let Zappone's culinary team create your most cherished memories, from lavish weddings under the stars, to corporate events in our fully equipped audio/visual meeting room. Elopements and Party Planning has never been so easy!*

*The following prices are ballpark prices to allow potential clients to get an idea of the packages that we offer and to compare to other venue sites. All prices are subject to change based on the needs of the clients and the event date.*

*A monthly payment plan will be provided to all clients and must be honored in order to receive our services. Final payment must be made 30 days prior to the clients event.*

*In order to secure your date on our calendar, a \$1,500 non-refundable payment is required and will go towards the total balance.*

### **Ala Carte Package**

#### **5 Hour Package**

- \* Tables, Chairs, Linens
- \* Coordinator

Monday- Thursday \$2800 8 hours for \$3800

Friday & Sunday \$3800 8 hours for \$4800

Saturday (packages only during peak season)  
up to 100 guests

### **The Gathering Package**

#### **8 Hour Package**

- \* Dj Package
- \* Elegant Dinner Buffet
- \* Cake or Mini Dessert Bar
- \* Elegant Disposables
- \* Floral Package
- \* Tables, Chairs, Linens
- \* 3 Hour Photography
- \* Coordinator
- \* Bartender Services 4 hours
- \* Lemonade & Water Bar
- \* Bridal Suite
- \* Minister

- \* Officiant
- \* Celebration Cake & Mini Dessert Bar
- \* Tables, Chairs, Linens
- \* Coordinator
- \* Includes Water & Lemonade Bar
- \* \$1400

Only available during limited times. Includes in-house ceremony music & microphone.  
(tax included, subject to 18% gratuity)

#### **Chapel Elopement- Ceremony Only Package**

- \* Up To 10 Guests
- \* Officiant
- \* 30 minutes
- \* Total \$210 additional photo time available \$60 per 30 minutes
- \* Coordinator

#### **Chapel Ceremony Only Package**

- \* Up To 40 Guests
- \* Officiant
- \* 1 hour
- \* Total \$400 additional photo time available \$60 per 30 minutes
- \* Coordinator